



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

PHIL-TAE KIM

Serial No.: 09/419,300

Examiner: ABDULSELAM, A.

Filed: 15 October 1999

Art Unit: 2674

For: METHOD FOR CONTROLLING POSITION OF INDICATOR

**REQUEST FOR REFUND**

Mail Stop : 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir :

Applicants respectfully request refund of (\$180.00) which was paid to the U.S. Patent & Trademark Office on the 19<sup>th</sup> of November 2003 for filing an Information Disclosure Statement in the above-captioned application for the reason as follows:

1. On 4 August 2003, the U.S. Patent & Trademark Office mailed a final Office action (Paper No. 22).
2. On 3 October 2003, Applicant filed a Petition under 37 C.F.R. §1.181 to request reconsideration and withdrawal of the finality of the rejection of the Office action (Paper No. 22) mailed on 4 August 2003.
3. On 22 October 2003, Applicant filed an Amendment under 37 C.F.R. § 1.116 in response to the last Office action (Paper No. 22) mailed on 4 August 2003.
4. On 19 November 2003, Applicant filed an Information Disclosure Statement with eight(8) references and paid \$180.00 for filing an Information Disclosure Statement (Check No. 44992).
5. On 28 November 2003, the U.S. Patent & Trademark Office mailed a Office communication (Paper No. 25) in response to Applicant's Petition under 37 C.F.R.

DRP E' REF

PATENT WITH ROM 30F

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P55862

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US PATENT & TRADEMARK  
OFFICE

#27/ Reg for  
refund

12-16-03

OFFICE OF PRINCIPAL  
REFUND BRANCH  
U.S. PATENT & TRADEMARK  
OFFICE

PATENT OFFICE


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§1.181 filed on 3 October 2003. In the Paper No. 25, the Examiner has withdrawn the finality of the last Office action (Paper No. 22).

OFFICE  
In view of the above, the payment of \$180.00, which was paid under 37 C.F.R. § 1.97(d)(2) and 37 C.F.R. § 1.17(p) with filing of Information Disclosure Statement on 19 November 2003, was not necessary. Accordingly, the Commissioner is respectfully requested to immediately refund \$180.00 into Applicant's undersigned attorney's Deposit Account No. 02-4943 for such overpayment.

**Please refer the attached documents for the above-referenced patent application.**

Respectfully submitted,

  
Robert E. Bushnell  
Attorney for Applicant  
Reg. No.: 27,774

1522 K Street, N.W. Suite 300  
Washington, D.C. 20005-1202  
(202) 408-9040

Enclosures: 1) Copy of Information Disclosure Statement filed on 11/19/2003  
2) Copy of Fee transmittal and check No. 44992 dated 11/19/2003  
3) Copy of postcard receipt stamped 11/19/2003  
4) Copy of Office communication (Paper No. 25) dated 11/28/2003

Folio: P55862  
Date: 12/3/03  
ID: REB/rfc

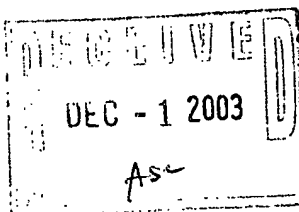


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	US FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,300	10/15/1999	PHIL-TAE KIM	P55862	1028

7590 11/28/2003  
ROBERT E BUSHNELL  
ATTORNEY AT LAW  
1522 K STREET N W SUITE 300  
WASHINGTON, DC 200051202



EXAMINER

ABDULSELAM, ABBAS I

ART UNIT PAPER NUMBER

2674

DATE MAILED: 11/28/2003

COPY

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

PATENT AND TRADEMARK  
OFFICE

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET-NO.
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EXAMINER
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ART UNIT	PAPER
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COPY

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

This communication is in response to the Petition under 37 CFR 1.181 filed on October 3, 2003, which has been treated as a request for reconsideration.

Applicant submits that the finality of the Office action mailed on August 4, 2003 is premature due to a new grounds of rejection.

Based on these facts, the finality of the Office action mailed on August 4, 2003 is withdrawn. An amendment responding to this Office action was filed by applicant on October 22, 2003. The amendment filed on October 22, 2003 will be entered and another Office action treating this amendment will be provided in due course. As such, no response is needed from the applicant at this time. The application file has been forwarded to the examiner for appropriate action on the merits.

Any questions concerning this communication should be forwarded to Richard Hjerpe at (703) 305-4709.

R. Hjerpe  
11/25/2003

RICHARD A. HJERPE  
SUPERVISORY  
TECHNICAL

Richard A. Hjerpe  
SPE  
Art Unit: 2674



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DEC 03 2003

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**P55862**

**19 November 2003**

Applicant: PHIL-TAE KIM  
Serial No.: 09/419,300  
Filed: 15 October 1999  
For: METHOD FOR CONTROLLING POSITION OF INDICATOR

Document(s):

1. Information Disclosure Statement w/ 8 references cited in PTO Form 1449.
2. Fee Transmittal with Check No. 44992 in the amount of \$180.00



ROBERT E. BUSHNELL  
LAW OFFICE  
1522 K. STREET, N.W., SUITE 300  
WASHINGTON, D.C. 20005-1202  
(202) 408-9040

CITIBANK, F.S.B.  
WASHINGTON, D.C. 20038

44992

15-7011/2540

11/19/2003

PAY TO THE ORDER OF Commissioner Of U.S. Patent & Trademark

One Hundred Eighty and 00/100\*\*\*\*\* \$ \*\*180.00 DOLLARS

Commissioner Of U.S. Patent & Trademark  
Washington D.C. 20231

P55862

Originally signed

MEMO

S.N. 09/419,300 IDS

⑈044992⑈ ⑆254070116⑆ ⑆1513 8488⑈

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

ROBERT E. BUSHNELL

*\* Please do not cash this copy.*

44992



ROBERT E. BUSHNELL

44992

# FEE TRANSMITTAL

Patent fees are subject to annual revision.

DEC 03 2003

TRADEMARK OFFICE

## Complete If Known

Application Number	09/419,300
Filing Date	15 October 1999
First Named Inventor	PHIL-TAE KIM
Examiner Name	ABDULSELAM, ABBAS
Group/Art Unit	2674
Attorney Docket No.	P55862

TOTAL AMOUNT OF PAYMENT

(\$)180.00

## METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 02-4943

Deposit Account Number: \_\_\_\_\_

- ☐ Charge Any Additional Fee Required Under 37 C.F.R. §1.16 and 1.17.

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

(CHECK #44992)

- ☒ Check ☐ Credit Card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	\$
1002	340	2002	170	Design filing fee	\$
1003	530	2003	265	Plant filing fee	\$
1004	770	2004	385	Reissue filing fee	\$
1005	160	2005	80	Provisional filing fee	\$

SUBTOTAL (1) (\$).00

## 2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total claims	-20** =	x	=
Independent Claims	-3** =	x	=
Multiple Dependent			=

77\*\* or number previously paid, if greater; For Reissues, see below

## Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1201	86	2201	43	Independent claims in excess of 3
1202	18	2202	9	Claims in excess of 20
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue Independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)0.00

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge-late filing fee or oath	\$
1052	50	2052	25	Surcharge-late provisional filing fee or cover sheet	\$
1053	130	1053	130	Non-English specification	\$
1812	2,520	1812	2,520	For filing a request for reexamination	\$
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	\$
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	\$
1251	110	2251	55	Extension for reply within first month	\$
1252	420	2252	210	Extension for reply within second month	\$
1253	950	2253	475	Extension for reply within third month	\$
1254	1,480	2254	740	Extension for reply within fourth month	\$
1255	2,010	2255	1,005	Extension for reply within fifth month	\$
1401	330	2401	165	Notice of Appeal	\$
1402	330	2402	165	Filing a brief in support of an appeal	\$
1403	290	2403	145	Request for oral hearing	\$
1451	1,510	2451	1,510	Petition to institute a public use proceeding	\$
1452	110	2452	55	Petition to revive - unavoidable	\$
1453	1,330	2453	665	Petition to revive - unintentional	\$
1501	1,330	2501	665	Utility issue fee (or reissue)	\$
1502	480	2502	240	Design issue fee	\$
1503	640	2503	320	Plant issue fee	\$
1504	300	1504	300	Publication fee	\$
1807	50	1807	50	Processing fee for provisional applications	\$
1806	180	1806	180	Submission of Information Disclosure Statement	\$ 180.00
8021	40	8021	40	Recording each patent assignment per property (Times number of properties)	\$
1809	770	2809	385	Filing a submission after final rejection (37 C.F.R. §1.129(a))	\$
1810	770	2810	385	For each additional invention to be examined (37 C.F.R. §1.129(b))	\$
8001	3			Printed copy of patent w/o color	\$
Other Fee (specify) _____					\$
Other Fee (specify) _____					\$

\*\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$ 180.00

## SUBMITTED BY

Typed or Printed Name	Robert E. Bushnell, Esq.		Complete (if applicable)	
Signature	Originally signed	Date	19 November 2003	Reg. Number
				27,774
				Deposit Account User ID



COPY

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US PATENT & TRADEMARK  
OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

PHIL-TAE KIM

Serial No.: 09/419,300

Examiner: ABDULELAM, ABBAS I

Filed: 15 October 1999

Art Unit: 2674

For: METHOD FOR CONTROLLING POSITION OF INDICATOR

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

COPY

Sir:

Pursuant to 37 C.F.R. §§ 1.56, and 1.97 and 1.98 applicant cites, lists and discusses and encloses copies of the following art references cited in a *Search Report* from the European Patent Office issued on the 7<sup>th</sup> of August 2003 corresponding European patent application No. EP17694-034/kg (99120479.3).

**U.S. PATENT REFERENCES:**

<b><u>Patent No.</u></b>	<b><u>Inventor</u></b>	<b><u>Issued Date</u></b>
• 5,585,865	Amano <i>et al.</i>	17 December 1996
• 5,751,373	Ohyaama <i>et al.</i>	12 May 1998
• 5,751,283	Smith	12 May 1998



COPY

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PATENT  
P55862  
2003 DEC - 3

US PATENT & TRADEMARK  
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**FOREIGN PATENT REFERENCES:**

<u>Patent No.</u>	<u>Inventor</u>	<u>Published Date</u>
• EP 0 537 097A	Torres <i>et al.</i>	14 April 1993
• EP 0 840 504	Fukumoto <i>et al.</i>	6 May 1998
• JP 09 121316	Otsuki <i>et al.</i>	6 May 1997

"Program Content Display Device"

and English language Abstract for JP 09 121316.

**LITERATURE REFERENCE:**

<u>Author</u>	<u>Issued Date</u>	<u>Title</u>
• Beck <i>et al.</i>	1992	"DOS and Windows Environment"

**OTHER DOCUMENTS:**

- *Search Report* issued by the European Patent Office on the 7<sup>th</sup> of August 2003 in corresponding co-pending European patent application assigned serial No. EP17694-034/kg (99120479.3).

**DISCUSSION**

Amano *et al.* U.S. '865 provides a channel tune-in apparatus for receiving a television broadcast signal and turning in a desired channel, with a remote controller having a plurality of user input keys, some of which are used to indicate a user's desire to view a particular television program

or program genre.

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Ohyama *et al.* U.S. '373 contemplates a remote controller for a television receiver that a user may rapidly program in a hierarchy of the functions of the receiver.

Smith U.S. '283 discloses a process enabling an author to selectively set a plurality of parameters that determine a position and a size of an object displayed in the window when the window is resized.

Torres *et al.* EP '097 provides the system and process for incrementally adjusting the size of the window in a user interface with a data processing system.

Fukumoto *et al.* EP '504 provides a customized menu scheme in menu hierarchy or in hierarchical menus, each for classifying adjustable items in accordance with a type of the items, and are sequentially displayed on a screen so that adjustment values for the displayed adjustable items can be established or changed in accordance with user's preference.

Otsuki *et al.* JP '316 provides the user with a menu displayed on the screen of the cathode ray tube, with a plurality of designator that enable user to control a plurality of parameters for the receiver.

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Beck *et al.* describes the disk operating system and windows environment and enabling user to control the visual display provided on the monitor with the Office System windows type program.

As explained in the *Search Report* issued by the European Patent Office, Amano *et al.* U.S. '865, Oyama *et al.* U.S. '373, Smith U.S. '283, Torres *et al.* EP '097, Otsuki *et al.* JP '316, and Beck *et al.* were cited by the European Examiner as being "particularly relevant if taken alone."

The citation of forgoing references is not tended to constitute representation to the Examiner that a search of the prior art has been made by the Applicant. Accordingly, the U.S. Examiner is requested to make a thorough and wide-ranging search of the prior art during the examination.

The fee of \$180.00 incurred under 37 C.F.R. § 1.97(d)(2) and 37 C.F.R. § 1.17(p) accompanies this Information Disclosure Statement.

COPY

Respectfully submitted,

*Originally signed.*

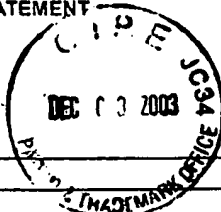
Robert E. Bushnell  
Reg. No.: 27,774

1522 "K" Street, N.W., Suite 300  
Washington, D.C. 20005  
Area Code: 202-408-9040  
Folio: P55862  
Date: 19 November 2003  
I.D.: REB/asc

INFORMATION DISCLOSURE STATEMENT

SERIAL NUMBER 09/419,300

DOCKET NO. P55862



APPLICANT

PHIL-TAE KIM

FILING DATE

15 October 1999

GROUP 2674

US PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS

EXAMINE	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
AX	5,585,865	12/96	Amano et al.			
AX	5,751,737	05/98	Ohyama et al.			
AX	5,751,283	05/98	Smith			

FOREIGN PATENT DOCUMENTS

TRANSLATION

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	YES	NO
AX	EP 0 537 097 A	04/93	EPO				
AX	EP 0 840 504 A	05/98	EPO				
AA	JP 09 121316 A	05/97	Japan			Abstract	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

"Search Report" issued by European Patent Office dated on 7 August 2003

"OS/2 Version 2.0-Volume 2: DOS and Windows Environment," OS/2 VERSION 2.0 DOS AND WINDOWS ENVIRONMENT. BOCA RATON, IBM. US, vol. 2, 128~153 pages, XP002173368, page 3, Paragraph 40-page 5, by Beck et al. on 1992.

EXAMINER:

*[Signature]*

DATE CONSIDERED:

01/09/03

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.